



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION

Boston Office
1 Batterymarch Park
Quincy, MA 02169

March 16, 2010

Djovany Pierre
Brockton, MA

NOTICE OF UNLICENSED OPERATION

Case Number: EB-10-BS-0010
Document Number: W201032260027

The Boston Office received information that an unlicensed broadcast radio station on 96.5 MHz was allegedly operating in Brockton, MA. On February 4, 2010, agents from this office confirmed by direction finding techniques that radio signals on frequency 96.5 MHz were emanating from your business at 69 N. Montello Street in Brockton, MA. The Commission's records show that no license was issued for operation of a broadcast station on 96.5 MHz at this location in Brockton, MA.

Additionally, on February 22, 2010, agents from this office confirmed by direction finding techniques that radio signals on frequency 94.9 MHz were emanating from 69 N. Montello Street in Brockton, MA. The Commission's records show that no license was issued for operation of a broadcast station on 94.9 MHz at this location in Brockton, MA.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* The field strength of the signal on frequency 96.5 MHz was measured at 284,776 microvolts per meter ($\mu\text{V/m}$) at 48 meters, and the field strength of the signal on frequency 94.9 MHz was measured at 639,128 microvolts per meter ($\mu\text{V/m}$) at 48 meters, which exceeded the maximum permitted level of 250 $\mu\text{V/m}$ at 3 meters for non-licensed devices. Thus, these stations were operating in violation of 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Dennis Loria
District Director
Boston Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005